

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

DEVON WILSON,
Plaintiff,
v.
CARL ANDREW TURNER, et al.,
Defendants.

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) Case No. 4:07CV00021
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) **ORDER**
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) By: Jackson L. Kiser
) Senior United States District Judge
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Before me are motions that were argued orally in this Court on December 11, 2007.

Plaintiff has made a [12] *Motion to Strike Affirmative Defenses*, and Defendant Tony Ray Cook has made a [22] *Motion for Summary Judgment*. Plaintiff responded to the latter motion, and added a [28] *Motion for Partial Summary Judgment*, as well as a [27] motion under Rule 56(f) to delay ruling on Defendant's motion.

For the reasons I state in the accompanying memorandum, I **GRANT** summary judgment to Defendant Cook on Plaintiff's federal claim. I also **DISMISS** without prejudice Plaintiff's remaining state law claims pursuant to 28 U.S.C. § 1367(c)(3). I **DENY** all of Plaintiff's motions, including his Rule 56(f) motion. The case will remain on the docket for 30 days to permit the parties an opportunity to obtain a judgment against the defaulted defendant Turner if they so choose.

The Clerk of this Court is directed to send a certified copy of this *Order* to all counsel of record.

Entered this 28th day of January, 2008.

s/Jackson L. Kiser
Senior United States District Judge